1		
2		
3		
4		
5		
6	UNITED STATES DISTRICT COURT	
7	DISTRICT OF NEVADA	
8	ROBERT L. STOCKMEIER,	3:09-CV-39-RCJ(VPC)
9	Plaintiff,	ORDER
10	V. (
11	MARY BAKER, et al.,	
12	Defendants.	
13	Before the Court is the Report and Recommendation of the United States Magistrate	
14	Judge (#58) ("Recommendation") entered on November 23, 2009, in which the Magistrate	
15	Judge recommends that this Court enter an order granting plaintiff's motion for voluntary	
16 17	dismissal of action (#55). No objection to the Report and Recommendation has been filed.	
18	I. Discussion	
19	This Court "may accept, reject, or modify, in whole or in part, the findings or	
20	recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C.	
	§ 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation,	
21	then this Court is required to "make a de novo determination of those portions of the [report	
22	and recommendation] to which objection is made." Nevertheless, the statute does not	
23 24	"require[] some lesser review by [this Court] when no objections are filed." Thomas v. Arn	
24	474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduc	
/ 1		

"any review at all . . . of any issue that is not the subject of an objection." Id. at 149. Similarly,

the Ninth Circuit has recognized that a district court is not required to review a magistrate

26

27

28

¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C).

judge's report and recommendation where no objections have been filed. See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that district courts are not required to review "any issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this Court may accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to which no objection was filed).

In this case, defendant filed a notice of non-opposition to the motion (#56) and no objection to the Magistrate Judge's Report and Recommendation. Although no objection was filed, this Court has reviewed the Report and Recommendation (#58), and accepts it. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Voluntary dismissal of Action (#55) is GRANTED. The Clerk of the Court shall enter judgment accordingly.

Robert C. Jones

UNITED STATES DISTRICT JUDGE

IT IS SO ORDERED.

DATED: This 2nd day of February, 2010.